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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

NIGHT BOX
FILED

OCT 05 2001

CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

CASE NO. 00-6022-CIV-LENARD
Magistrate Judge Turnoff

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiffs,

v.

STEPHEN BYRON SMITH, and
PALMER JOHNSON, INC.,

Defendants.

PALMER JOHNSON, INC.,

Third Party Plaintiff,

v.

TOM FEXAS YACHT DESIGN, INC.,

Defendant.

**RENEWED MOTION TO EXTEND THE FACT
AND EXPERT DISCOVERY DEADLINES**

COMES NOW, the Defendant, Palmer Johnson, by and through its undersigned attorneys, and file this its Renewed Motion to Extend the Fact and Expert Discovery Deadlines in the above captioned matter, and in support thereof states as follows:

1. That the parties earlier filed Agreed Motions to Extend the Fact Discovery Deadline and Expert Discovery Deadline, as evidenced by those motions which are incorporated herein and attached hereto as Exhibit "A".

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2. However, despite the agreement of the parties, the Court denied both of those motions.

3. The basis for this renewed motion to extend, in addition to the grounds previously set forth in the earlier agreed motions, is the fact that another settlement conference has now been scheduled for October 18, 2001, and the additional discovery parameters referenced in the earlier motions is essential to a successful settlement conference before Judge Turnoff.

4. That the parties in good faith attempted to schedule various discovery matters well in advance of the earlier fact and expert discovery deadlines, however, because of the number of attorneys involved, as well as the crowded schedules of the various experts, the scheduling of some discovery was not possible prior to the cut off dates.

5. That the plaintiff herein does not oppose this motion as long as the presently scheduled trial date and settlement conference remain undisturbed; counsel for Defendant Steven Byron Smith is in agreement with this motion.

6. That this motion is made in good faith and for the good cause as shown above.

WHEREFORE the Defendant respectfully requests that this Court enter an order granting this motion enlarging the Fact Discovery deadline through October 15, 2001, and the Expert Discovery deadline through October 6, 2001.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing motion has been furnished by mail this 5th day of October, 2001 to: **Manuel Valdes, Esquire**, Law Offices of Manuel Valdes, Attorneys for Plaintiffs, 910 Madrid Street, Coral Gables, Florida 33134; **F. David Famulari, Esquire**, Co-Counsel for Plaintiffs, Blanck & Perry,

P.A., 5730 SW 74th St., Suite 700, Miami, FL 33143; **John D. Kallen, Esquire**, Badiak, Will & Kallen, Attorneys for Stephen Byron Smith, 17071 West Dixie Highway, North Miami Beach, Florida 33160; **Joseph L. Mannikko, Esquire**, Mannikko & Baris, P.A., 870 SW Martin Downs Blvd., Suite 1, Palm City, Florida 34990, and **David L. Weber, Esquire**, Pinkert Law Firm LLP, 454 Kentucky Street, P.O. Box 89, Sturgeon Bay, WI 54235-0089.

VALLE & CRAIG, P.A.
Co-Counsel for Defendant,
PALMER JOHNSON, INC.
Dadeland Centre, Suite 1000
9155 South Dadeland Boulevard
Miami, Florida 33156
Telephone: (305) 373-2888
Fax: (305) 373-2889

By: 

LAURENCE F. VALLE
Florida Bar No. 121382
FRANK J. SIOLI
Florida Bar No. 009652
DAVID WEBER
Wisconsin Bar. No. 1010749

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Magistrate Judge Turnoff

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Plaintiffs,

v.

STEPHEN BYRON SMITH, and
PALMER JOHNSON, INC.,

Defendants.

PALMER JOHNSON, INC.,

Third Party Plaintiff,

v.

TOM FEXAS YACHT DESIGN, INC.,

Defendant.

**SECOND AGREED MOTION TO
EXTEND EXPERT DISCOVERY DEADLINE**

COMES NOW, the Defendant, PALMER JOHNSON, INC., by and through its undersigned attorneys, and files this Second Agreed Motion to Extend Expert Discovery Deadline in support thereof, and states as follows:

1. That pursuant to this Court's most recent Order, the expert discovery deadline herein has been set as August 31, 2001.
2. However, due to the recent inclusion of Tom Fexas Yacht Designs, Inc., as a Third Party Defendant, as well as scheduling conflicts between the various counsel

EXHIBIT "A"

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herein, the parties have encountered difficulty in scheduling various expert discovery matters.

3. That a great number of discovery matters have finally been scheduled despite these difficulties, and are set for the month of September and the first week of October.

4. That based on the parties inability to schedule various expert discovery matters prior to August 31, 2001, despite a good faith effort to do so, and due to the fact that various expert discovery items have now been properly coordinated and scheduled through October 5, 2001, the parties respectfully request that the discover deadline be enlarged in order to accomplish the necessary expert discovery, which is critical to all the parties herein.

Moreover, the parties are anticipating that the previously continued Settlement Conference with Magistrate Judge Turnoff will be rescheduled for September or October, and the additional discovery will assist the parties in evaluating their motion for resolution when the settlement conference resumes with Judge Turnoff.

5. That this motion is made in good faith for the good causes outlined above, and not for the purpose of delay, and all counsel herein have agreed with terms of this motion.

WHEREFORE the parties, through Defendant, PALMER JOHNSON, INC., respectfully request this Court enter an order granting this Motion and extending the deadline to submit expert discovery up through and including October 5, 2001.

CERTIFICATE OF SERVICE


WE HEREBY CERTIFY that a true and correct copy of the foregoing motion has been furnished by mail this **31st** day of August, 2001 to: **Manuel Valdes, Esquire**, Law Offices of Manuel Valdes, Attorneys for Plaintiffs, 910 Madrid Street, Coral Gables,

CASE NO. J-6022-CIV-LENARD
Magistrate Judge Turnoff

Florida 33134; **F. David Famulari, Esquire**, Co-Counsel for Plaintiffs, Blanck & Perry, P.A., 5730 SW 74th St., Suite 700, Miami, FL 33143; **John D. Kallen, Esquire**, Badiak, Will & Kallen, Attorneys for Stephen Byron Smith, 17071 West Dixie Highway, North Miami Beach, Florida 33160; **Joseph L. Mannikko, Esquire**, Mannikko & Baris, P.A., 870 SW Martin Downs Blvd., Suite 1, Palm City, Florida 34990, and **David L. Weber, Esquire**, Pinkert Law Firm LLP, 454 Kentucky Street, P.O. Box 89, Sturgeon Bay, WI 54235-0089.

VALLE & CRAIG, P.A.
Co-Counsel for Defendant,
PALMER JOHNSON, INC.
Dadeland Centre
Suite 1000
9155 South Dadeland Boulevard
Miami, Florida 33156
Telephone: (305) 373-2888
Fax: (305) 373-2889

By: _____


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 00-6022-CIV-LENARD
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HENRY NARANJO and
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Plaintiffs,

v.

STEPHEN BYRON SMITH, and
PALMER JOHNSON, INC.,

Defendants.

**AGREED MOTION FOR EXTENSION OF
TIME TO SUBMIT FACT DISCOVERY**

COMES NOW, the Defendant, PALMER JOHNSON, INC., by and through its undersigned attorneys, and files this Agreed Motion for Extension of Time to Submit Fact Discovery Deadline in support thereof, and states as follows:

1. That pursuant to this Court's most recent Trial Order, the fact discovery deadline has been set at August 20, 2001.
2. However, because of the number of parties and experts, and the recent joinder of Tom Fexas as, a Third Party Defendant, the parties could not complete the fact discovery within the present time parameters.
3. That the best present estimate of additional time necessary to complete discovery would be an additional 60 days, Friday, October 19, 2001.

4. That this motion is made in good faith for the good causes outlined above, and not for the purpose of delay; and that this defendant has contacted the other parties in this case and they have agreed to this motion.

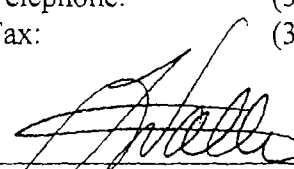
WHEREFORE the Defendant, PALMER JOHNSON, INC., prays that this Court enter an order granting this Agreed Motion for Extension of Time to Submit Fact Discovery, and provide that fact discovery may be completed up through and including October 19, 2001.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing motion has been furnished by mail this **20th** day of August, 2001 to: **Manuel Valdes, Esquire**, Law Offices of Manuel Valdes, Attorneys for Plaintiffs, 910 Madrid Street, Coral Gables, Florida 33134; **F. David Famulari, Esquire**, Co-Counsel for Plaintiffs, Blanck & Perry, P.A., 5730 SW 74th St., Suite 700, Miami, FL 33143; **John D. Kallen, Esquire**, Badiak, Will & Kallen, Attorneys for Stephen Byron Smith, 17071 West Dixie Highway, North Miami Beach, Florida 33160; **David L. Weber, Esquire**, Pinkert Law Firm LLP, 454 Kentucky Street, P.O. Box 89, Sturgeon Bay, WI 54235-0089; **Joseph L. Mannikko, Esquire**, Mannikko & Baris, P.A., Attorneys for Tom Fexas Yacht Design, Inc., 870 SW Martin Downs Blvd., Suite 1, Palm City, Florida 34990.

VALLE & CRAIG, P.A.
Co-Counsel for Defendant,
PALMER JOHNSON, INC.
Dadeland Centre
Suite 1000
9155 South Dadeland Boulevard
Miami, Florida 33156
Telephone: (305) 373-2888
Fax: (305) 373-2889

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STEPHEN BYRON SMITH, and
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Defendants.

**ORDER ON AGREED MOTION FOR EXTENSION
OF TIME TO SUBMIT FACT DISCOVERY**

THIS CAUSE having come on to be reviewed by the Court on Defendant's Agreed Motion for Extension of Time to Submit Fact Discovery, and having been otherwise duly advised in the premises, it is hereupon,

ORDERED AND ADJUDGED that said Motion be, and the same is hereby GRANTED.

That the Defendant shall submit fact discovery by October 19, 2001.

DONE AND ORDERED in Chambers at Miami-Dade County, this _____ day of August,
2001.

CIRCUIT COURT JUDGE

Copies furnished to:
Laurence F. Valle, Esquire
David L. Weber, Esquire
Manuel Valdes, Esquire
F. David Famulari, Esquire
John D. Kallen, Esquire
Joseph L. Mannikko, Esquire